

Zoning Text Amendment No: 06-01
Concerning: Modifications to the
Rural Village Center Overlay Zone
Draft No. & Date: 1 – 1/20/06
Introduced: January 24, 2006
Public Hearing: 2/28/06; 1:30 p.m.
Effective:
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: District Council at the request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- amending the Rural Village Center Overlay Zone 59-C-18.23; and
- generally amending the Rural Village Center Overlay zone.

By amending the following section of the Montgomery County Zoning Ordinance,
Chapter 59 of the Montgomery County Code:

DIVISION 59-C-18	“OVERLAY ZONES”
Section 59-C-18.231	“Purpose”
Section 59-C-18.232	“Regulations”

EXPLANATION: ***Boldface** indicates a heading or a defined term.*

*Underlining indicates text that is added to existing laws
by the original text amendment.*

*[Single boldface brackets] indicate text that is deleted from
existing law by the original text amendment.*

*Double underlining indicates text that is added to the text
amendment by amendment.*

*[[Double boldface brackets]] indicate text that is deleted
from the text amendment by amendment.*

** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

*The County Council for Montgomery County, Maryland, sitting as the District Council for that
portion of the Maryland-Washington Regional District in Montgomery County, Maryland,
approves the following ordinance:*

1 **Sec. 1. DIVISION 59-C-18 is amended as follows:**

2 **DIVISION 59-C-18. OVERLAY ZONES.**

3 * * *

4 **59-C-18.23. Rural village center overlay zone.**

5 **59-C-18.231. Purpose**

6 It is the purpose of this overlay zone to create attractive, cohesive, and
7 pedestrian-friendly rural village centers, consisting [primarily of retail uses]
8 of a mix of appropriately scaled uses as allowed in the underlying zones, as
9 limited in this section. Specifically, the overlay zone is designed to:

- 10 (a) Draw upon the open, green character of the surrounding area,
11 emphasizing this character through streetscape design, open space, and
12 landscaping.
- 13 (b) Maintain and enhance the rural village character through compatible
14 scale, massing, siting, and setbacks for new and expanded uses.
- 15 (c) Emphasize the pedestrian and bicycle circulation through street design,
16 including streetscape and traffic calming, and trail networks.
- 17 (d) Encourage a variety of uses that serve the needs of the local community,
18 including mixed-use buildings that can provide housing and commercial
19 uses.
- 20 (e) Provide opportunities for appropriately scaled new and existing business
21 expansion, while keeping the commercial areas compact and low density.

22 **59-C-18.232. Regulations**

- 23 (a) *Commercial zones.* Where a lot is either partially or totally in a
24 commercial zone the following regulations apply:

(1) *Land uses.* All permitted or special exception uses allowed in the underlying zones are allowed in the commercial portion of the overlay zone except as prohibited below or in the applicable master plan.

The following uses are prohibited in all Rural Village Center overlay zones:

Animal boarding place

Appliance repair shops

Automobile, light truck and light trailer rentals, outdoor, except any automobile rental business in existence on October 13, 1998 may continue as a conforming use, and may be altered, repaired, or replaced in accordance with provisions of the zone in effect at the time the use was established

Automobile parts, supplies and tire stores

Automobile sales, indoor

Automobile sales, outdoor

Baseball driving range

Boat sales, indoors

Building materials and supplies

Chancery

Eating and drinking establishments, drive-in

Heliports

Helistops

Ice storage

International Organization

Multi-family dwellings, except when included in a structure containing retail or commercial uses

Newspaper, printing or publishing shops

Rifle or pistol ranges, indoor

Roller and ice skating rinks

Stadiums or arenas

Swimming pools, commercial

The following uses are prohibited in designated overlay zone villages that are surrounded by the Rural Density Transfer Zone:

Amusement center

Appliance store

Automobile filling station

Automobile fluid maintenance station

Child day care center

Dry cleaning and laundry establishments of no more than 3,000 sf of gross floor area

Funeral parlors or undertaking establishments

(2) *Development standards:*

(A) *Setbacks.* All buildings, off-street parking, loading and maneuvering areas must be set back from lot lines adjoining residential zones a distance of not less than the applicable front, rear, or side yard of the adjoining residential zone or agricultural zone, where applicable. All other setbacks will be determined at site plan.

(B) *Density.* Except in villages surrounded by the Rural Density Transfer Zone, the floor area ratio for commercial uses is limited to FAR 0.2 and is computed only on the area of the underlying commercially zoned portion of the site. Any project

that received preliminary plan approval before November 4, 2002 for commercial development at an FAR greater than 0.2, is not subject to the FAR limitation of this section and may be developed, as a conforming use, in accordance with the approved preliminary plan.

Density for villages surrounded by the Rural Density Transfer Zone is that of the underlying zone.

(C) *Green area.* Except in villages surrounded by the Rural Density Transfer Zone, the minimum green area is 35% of the gross tract area. Green area requirements for villages surrounded by the Rural Density Transfer Zone is that of the underlying zone.

(D) *Building height.* No building can exceed a height of 35 feet.

(E) *Off street parking and loading.* Parking must be provided in accordance with the provisions of Division 59-E with the following exceptions:

1. Parking facilities must be located to maintain a pedestrian-friendly street orientation.
2. Trees must be planted and maintained throughout the parking facility to assure that at least 30% of the area is shaded. Shading must be calculated using the area of the tree crown at 15 years after the parking facility is built.

3. For any cumulative enlargement of a surface parking facility that is greater than 50% of the total parking area approved before November 4, 2002 the entire off-street parking facility must be brought into conformance with this section.

(F) Commercial facilities must provide, as necessary, noise mitigation measures to minimize impact on adjacent residentially used properties.

(G) All outdoor lighting of commercial uses must be located, shielded, landscaped, or otherwise buffered so that no direct light intrudes into an adjacent residential property. Unless the Planning board requires different standards for a recreational facility or to improve public safety, luminaries must incorporate a glare and spill light control device to minimize glare and light trespass.

(b) *Residential zone:* Where a lot is in a residential zone the following regulations apply:

(1) *Land uses.* All uses as allowed in the underlying zone as set forth in Sec. 59-C-1.31, except as prohibited below. In addition, residentially zoned land may provide septic capacity for an adjacent commercial use, or adjacent residential property, consistent with the applicable master plan recommendations.

The following uses are prohibited in village overlay zones
surrounded by the Rural Density Transfer Zone:
Group home, large
Life care facility
Child day care center
Clinic, medical or dental for 5 or more medical practitioners
Day care facility for more than 4 senior adults and persons with
disabilities
Domiciliary care for more than 16 residents
Hospitals
Life sciences center
Nursing home
Golf courses or country clubs

(2) *Development standards.* The development standards are the same as those in the underlying zones.

59-C-18.233. Procedure of application and approval.

A site plan for any development in the Rural Village Overlay Zone must be approved under the provisions of Section 59-D-3. Development includes the following:

- (a) Construction of a new building;
- (b) Additions and other exterior improvements to existing buildings that increase the amount of gross floor area on a site; and
- (c) Additions of off-street parking spaces or revisions to parking facilities that would otherwise require the approval of new parking facilities under Section 59-E-4.1.

59-C-18.234. Planning Board approval.

The procedures for Planning Board approval under Section 59-D-3.4 are modified for this overlay zone to require the following additional findings:

(a) The site plan is consistent with the recommendations and guidelines in the applicable Master Plan; and

(b) The site plan meets all of the requirements of this overlay zone as well as the applicable requirements of the underlying zone.

Sec. 2. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council